

EXHIBIT 100
Unredacted Version of
Document Sought to be Sealed

From: Matthew Melamed <mmelamed@bfalaw.com>
Sent: Tuesday, January 18, 2022 7:24 PM
To: Buongiorno, Matt; Lesley Weaver; Anne Davis; Benjamin Gould; Chris Springer; David Ko; Derek Loeser
Cc: Stein, Deborah L.; Falconer, Russ; Davis, Colin B.; Kutscher Clark, Martie; Swanson, Alexander; Mumm, Laura C.; Herbert, Kelly E.
Subject: RE: Facebook - Phase III Depositions

Matt,

Judge Corley's Order Re: Deposition Scheduling, Dkt. No. 808, which was issued on January 12, 2022 and augments the existing deposition protocol, provides: "Once a party requests a deposition of a party witness and provides proposed dates in accordance with the Deposition Protocol (Dkt. No. 755), the responding party must provide the requesting party with available deposition dates within seven days of the request (excluding federal holidays). If the responding party does not provide dates in accordance with the Order, the requesting party may unilaterally set the deposition date on one of the two dates initially proposed."

Plaintiffs requested Facebook's 30(b)(6) deposition on December 23, 2021, by sending a draft notice and inviting to meet and confer; Plaintiffs ask that Facebook make itself available to discuss this week and propose tomorrow at noon or 5 pm, or Thursday between 12-2 pm (all times Pacific). In the meantime, consistent with Judge Corley's order, Plaintiffs seek deposition dates for any topics for which Facebook is willing to produce deponents on February 9 or 10, 2022. Plaintiffs further request that to the extent that Facebook has not produced documents related to such topics, that it do so no later than January 31, 2022.

Thank you,
Matt

From: Buongiorno, Matt <MBuongiorno@gibsondunn.com>
Sent: Thursday, January 13, 2022 2:59 PM
To: Lesley Weaver <lweaver@bfalaw.com>; Matthew Melamed <mmelamed@bfalaw.com>; Anne Davis <adavis@bfalaw.com>; Benjamin Gould <bgould@KellerRohrback.com>; Chris Springer <cspringer@kellerrohrback.com>; David Ko <dko@kellerrohrback.com>; Derek Loeser <dloeser@kellerrohrback.com>
Cc: Stein, Deborah L. <DStein@gibsondunn.com>; Falconer, Russ <RFalconer@gibsondunn.com>; Davis, Colin B. <CDavis@gibsondunn.com>; Kutscher Clark, Martie <MKutscherClark@gibsondunn.com>; Swanson, Alexander <ASwanson@gibsondunn.com>; Mumm, Laura C. <LMumm@gibsondunn.com>; Herbert, Kelly E. <KHerbert@gibsondunn.com>
Subject: RE: Facebook - Phase III Depositions

Counsel,

Could you please provide the basis of your determination that 35 or more depositions will be necessary. Plaintiffs will have already taken/scheduled approximately 25 depositions as of that time, so it is surprising to us that Plaintiffs believe they will need 60 depositions total and a number of depositions during Phase III that exceeds the total number of depositions for Phase I and Phase II combined. Facebook proposes 10 as a starting point, with the parties' reservation to seek to take additional targeted depositions if good cause exists. As with Phases I and II, the number of depositions allowed should apply to both parties, with the understanding that the parties are entitled to object to specific witnesses identified by the opposite party.

We do not agree that the parties are at impasse regarding the topics and scope of Plaintiffs' 30(b)(6) notice. We have never even discussed the notice. We simply pointed out that it does not comply with the Deposition Protocol or Federal Rules and requested that Plaintiffs revise it to comply. Are Plaintiffs both unwilling to do this and to even discuss the issue?

Thank you,

Matt Buongiorno

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From: Lesley Weaver <lweaver@bfalaw.com>
Sent: Wednesday, January 12, 2022 10:00 PM
To: Buongiorno, Matt <MBuongiorno@gibsondunn.com>; Matthew Melamed <mmelamed@bfalaw.com>; Anne Davis <adavis@bfalaw.com>; Benjamin Gould <bgould@KellerRohrback.com>; Chris Springer <cspringer@kellerrohrback.com>; David Ko <dko@kellerrohrback.com>; Derek Loeser <dloeser@kellerrohrback.com>
Cc: Stein, Deborah L. <DStein@gibsondunn.com>; Falconer, Russ <RFalconer@gibsondunn.com>; Davis, Colin B. <CDavis@gibsondunn.com>; Kutscher Clark, Martie <MKutscherClark@gibsondunn.com>; Swanson, Alexander <ASwanson@gibsondunn.com>; Mumm, Laura C. <LMumm@gibsondunn.com>; Herbert, Kelly E. <KHerbert@gibsondunn.com>
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[WARNING: External Email]

Good evening,

Plaintiffs propose that Phase III consist of 35 depositions, with reservations of right to seek additional depositions, given that the parties are not in full compliance with the expected Phase I and Phase II deposition scheduling protocol, and the current state of document production.

On a related note, Plaintiffs understand the parties are at impasse with regard to the subject matters and scope of Plaintiffs' 30(b)(6) notice. Pursuant to Judge Corley's Deposition Protocol Order, Plaintiffs request dates at the end of January and beginning of February for any topics for which Facebook will agree to produce a deponent. Plaintiffs' proposed 30 Phase III depositions are independent of Plaintiffs' 30(b)(6) topics and notice.

We will revert shortly with times to meet and confer.

From: Buongiorno, Matt <MBuongiorno@gibsondunn.com>
Sent: Wednesday, January 12, 2022 7:10 PM
To: Matthew Melamed <mmelamed@bfalaw.com>; Anne Davis <adavis@bfalaw.com>; Benjamin Gould <bgould@KellerRohrback.com>; Chris Springer <cspringer@kellerrohrback.com>; David Ko <dko@kellerrohrback.com>; Derek Loeser <dloeser@kellerrohrback.com>; Lesley Weaver <lweaver@bfalaw.com>
Cc: Stein, Deborah L. <DStein@gibsondunn.com>; Falconer, Russ <RFalconer@gibsondunn.com>; Davis, Colin B. <CDavis@gibsondunn.com>; Kutscher Clark, Martie <MKutscherClark@gibsondunn.com>; Swanson, Alexander <ASwanson@gibsondunn.com>; Mumm, Laura C. <LMumm@gibsondunn.com>; Herbert, Kelly E.

<KHerbert@gibsondunn.com>

Subject: Facebook - Phase III Depositions

Counsel,

Please let us know your availability tomorrow or Friday to meet and confer on the issue of number of depositions to commence in Phase III. Please also let us know how many depositions you believe you need for Phase III.

Thank you,

Matt Buongiorno

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